

Fair Political Practices Commission
Memorandum

To: Chairman Johnson, Commissioners Hodson, Huguenin, Leidigh, and Remy
From: Sukhi Brar, Commission Counsel
Subject: 2007-2008 Updated Legislative Summary
Date: October 2, 2008

There were a total of 41 bills introduced during the 2007-2008 legislative session affecting the Political Reform Act of 1974 (Act). Ten of these bills were signed into law.

Twenty-four bills were introduced in 2007. Of these, six were signed by the governor in 2007 (AB 299, AB 404, AB 473, AB 1430, AB 1441 and SB 512) and one was signed in 2008 (AB 583).

Seventeen bills were introduced in 2008. Of these, three were signed into law (AB 1998, AB 2607 and SB 1772).

Below is a list of bills that amend the Political Reform Act that were signed by the governor, and chaptered into law by the Secretary of State for the 2007-2008 session:

SB 512 (Senate Elections Committee) Omnibus Committee Bill.

This bill does the following: 1) amends the definition of “investment” to exclude government defined-benefit pension plans, 2) requires candidates seeking election to designated positions to file a Statement of Economic Interest since the incumbent is already required to file one, and 3) makes other minor technical amendments. This was a Commission sponsored bill and was enacted on October 8, 2007, and went into effect on January 1, 2008.

SB 1772 (Senate Rules Committee) Behested Payments.

This bill extends existing “behested payments” reporting requirements to members of the Public Utilities Commission. This bill was enacted on September 27, 2008, and will go into effect on January 1, 2009.

AB 299 (Tran) Maintenance of the Codes.

This bill makes technical changes to multiple code sections at the recommendation of Legislative Counsel. The sections of the Act that are amended by this bill include Government Code Sections 85316 and 89513. The changes are minor and technical. This bill was enacted on July 27, 2007, and went into effect on January 1, 2008.

AB 404 (Ruskin) Advertisement Disclosure.

This bill amends the Act by requiring an advertisement paid for by an independent expenditure expressly state that the ad was not authorized by a candidate or a candidate controlled committee. This bill was enacted on October 11, 2007, and went into effect on January 1, 2008.

AB 473 (Adams) Filing of Campaign Statements.

This bill provides that all candidates and elected officers and their controlled committees file one copy instead of two copies of their campaign statements with the elections official of the county in which the candidate or elected officer is domiciled. This provision does not apply to proponents of state ballot measures or the qualification of state ballot measures. This bill also reduces the number of copies that a committee candidate or elected officer is required to file at additional locations from two to one. This was a Commission sponsored bill and was enacted on July 12, 2007, and went into effect on January 1, 2008.

AB 583 (Hancock) California Fair Elections Act 2008.

This bill requires the Secretary of State to submit The California Fair Elections Act of 2008 (CFEA) to voters for consideration at the June 8, 2010, statewide primary election. If approved by voters, The CFEA would provide candidates for Secretary of State with the option of obtaining public funding to promote their candidacy. The Commission would be responsible for administering the CFEA, including issuing public funding to candidates and enforcing the lawful usage of those funds. The Commission has opposed this bill due to inadequate funding.

AB 1430 (Garrick) Member Communications.

This bill amends the Act by identifying specific types of restrictions imposed by local jurisdictions that would conflict with the member communications provisions in the Act. The identified restrictions are prohibited, unless a state statute or a regulation adopted by the Commission expressly states otherwise. This bill was enacted on October 14, 2007, and went into effect on January 1, 2008.

AB 1441 (Garrick) Legal Defense Funds.

This bill amends the Act by extending to local candidates the ability to open legal defense accounts as currently allowed for elective state office candidates. The bill provides that contributions to local candidate legal defense accounts may be subject to limits imposed by local ordinance, but the candidate must follow the reporting requirements that currently exist for state candidates. This bill was enacted on October 5, 2007, and went into effect on January 1, 2008. The Commission adopted Regulation 18530.45 at its August 14, 2008, meeting to supplement this new legislation.

AB 1998 (Silva) Local Agency Formation Commission Proposals.

This bill imposes requirements on committees that are formed to support or oppose a local agency formation commission ("LAFCO") proposal(s). A LAFCO is an administrative body vested with the authority and responsibility to control the process of municipal expansion by overseeing local agency boundary changes. The bill requires LAFCO committees to file monthly campaign statements from the time circulation of a petition begins until a measure is placed on the ballot or the committee is terminated. After a LAFCO proposal measure is placed on the ballot, this bill would require a committee formed to support or oppose the proposal to file those same campaign statements required of other committees formed to support or oppose ballot measures under the Act. This bill was enacted on July 22, 2008, and will go into effect on January 1, 2009.

AB 2607 (Davis) Electronic Filing of SEI's.

This bill authorizes the counties of Los Angeles, Merced, Orange, and Stanislaus to participate in a pilot program to permit the electronic filing of statements of economic interests for filers other than those listed in Government Code Section 87200. This bill authorizes the pilot program to run from January 1, 2009, to January 1, 2012, and requires counties participating in the pilot program to submit a report to the FPPC containing specified information regarding the electronic filing process no later than July 1, 2011. The FPPC would then transmit these reports, along with any recommendations from the Commission, to the Legislative Analyst's Office, which is required to provide a report evaluating the program to the Legislature no later than March 1, 2012. This bill was enacted on September 28, 2008, and will go into effect on January 1, 2009.